

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
Master File No. 3:09-MD-2016-JBC
MDL No. 2016

MDL Civ. No. 3:09-CV-203
Transfer Civ. No. 5:08-cv-1351

IN RE: YAMAHA MOTOR CORP.
RHINO ATV PRODUCTS
LIABILITY LITIGATION

* * * * *

THIS DOCUMENT RELATES TO: ANTHONY CHAMBLEE

VIDEO DEPOSITION OF ANTHONY CHAMBLEE,
TAKEN AT SAM'S TOWN, 315 CLYDE FANT PARKWAY,
SHREVEPORT, LOUISIANA, ON TUESDAY, SEPTEMBER
29TH, 2009

APPEARANCES:

DUPLOSS, ZWAIN, BOURGEOIS, PFISTER &
WEINSTOCK

BY: JOSEPH G. GLASS, ESQUIRE
3838 N. CAUSEWAY BOULEVARD, SUITE 2900
METAIRIE, LOUISIANA 70002

COUNSEL FOR YAMAHA MOTOR CORPORATION,
U.S.A. AND YAMAHA MOTOR MANUFACTURING
CORPORATION OF AMERICA

1 don't find the rest of this stuff. I want
2 to know every charge that you've ever been
3 convicted for.

4 A I don't remember every charge.

5 Q Okay. Well, tell me what you
6 remember then.

7 A Second-degree battery, simple
8 burglary, theft, possession of stolen goods,
9 forgery, criminal trespassing.

10 Q I'm sorry, you said second-degree
11 battery, theft, possession of stolen goods,
12 forgery, criminal trespassing -- I missed
13 one.

14 A That's about all I can remember.

15 MR. GLASS:

16 Okay. Could you read back the
17 response?

18 COURT REPORTER:

19 Second-degree battery, simple
20 burglary, theft, possession of stolen goods,
21 forgery, criminal trespassing.

22 BY MR. GLASS:

23 Q Any other convictions that you
24 recall?

25 A No, sir.

1 A Along those lines.

2 Q Would you characterize your riding
3 style as a risk taker?

4 A At times, but not anymore.

5 Q Again, I'm just talking about
6 January 1st, 2007. So we'll talk about
7 before this accident. So your response was,
8 yes, that you would characterize your riding
9 as risk taking at times?

10 A At times.

11 Q Was there anything told to you by
12 the dealer that persuaded you to purchase
13 the Honda motorcycle when you purchased
14 that?

15 A Repeat that.

16 Q Sure. Was there anything told to
17 you by the dealer that persuaded you to
18 purchase the 1998 Honda motorcycle versus
19 some other type of motorcycle?

20 A No, sir.

21 Q What happened to the '98
22 motorcycle?

23 A Sold it.

24 Q When did you sell it?

25 A 2008.

1 Q Because in fact you told me that
2 you had talked to some people about it at
3 the Mudfest, correct?

4 A Yes.

5 Q Do you agree that it's possible to
6 roll over any type of vehicle?

7 A Yes.

8 Q Under the right circumstances?

9 A Yes.

10 Q Or I guess I should say under the
11 wrong circumstances?

12 A Whichever.

13 Q If a person operates an off-road
14 vehicle too fast, is there a risk of
15 overturning it?

16 A Absolutely.

17 Q If a person operates an off-road
18 vehicle and makes it turn too sharply, is
19 there a risk of overturning it?

20 A I'm sure there is.

21 Q If a person operates an off-road
22 vehicle on uneven terrain, is there a risk
23 of overturning that vehicle?

24 A Yes.

25 Q Did any of the Rhinos that you

1 A Yes.

2 Q Under Be Qualified and
3 Responsible, the third bullet point says,
4 "Do not drive or ride as a passenger after
5 using drugs or alcohol."

6 Did you use drugs or alcohol on
7 the date of the accident?

8 A I drank -- I drank alcohol.

9 Q How much alcohol did you drink
10 before operating the vehicle?

11 A Maybe three -- three, maybe four
12 beers.

13 Q Did you take any drugs?

14 A No.

15 Q When was the last time you had
16 drugs before the date of the accident?

17 A This happened on September 17th
18 about 2:30 maybe. Not the day, the day
19 before.

20 Q What drugs did you take the day
21 before?

22 A Marijuana, cocaine and
23 barbiturates, opiates. I think opiates.
24 It's pills.

25 Q Why do you think that you took

1 drugs the day before but not the date of the
2 accident?

3 A Why do I think?

4 Q Yeah. You seem to have this clear
5 recollection of that. What is standing out
6 in your mind that you know that?

7 A Because I know what I did the day
8 before the accident.

9 Q What day did this accident happen
10 on?

11 A September 17..

12 Q Do you remember what day of the
13 week?

14 A No.

15 Q If I told you it's a Monday, do
16 you have a recollection of taking drugs on
17 Sunday?

18 A Yes.

19 Q On what -- at what point in time
20 on Sunday did you take drugs?

21 A It was from Saturday night up
22 until Sunday morning.

23 Q There was some kind of party going
24 on or something that you were at?

25 A Yes.

1 Q Where was the party?

2 A Downtown Shreveport.

3 Q It was in Shreveport?

4 A Yes.

5 Q Was it at a club, or was it at
6 somebody's house?

7 A At a club.

8 Q And the club was open for two days
9 straight?

10 A It was open Saturday night until
11 six o'clock in the morning.

12 Q And then when it closed at
13 six o'clock in the morning, where did you go
14 Sunday morning at 6:00 a.m.?

15 A Made my way home.

16 Q Where was home?

17 A Keithville.

18 Q How did you make your way home?

19 A I drove.

20 Q So you drove home after you had
21 been out all night drinking and doing drugs?

22 A Yes.

23 Q Were you intoxicated at that time?

24 A Yes.

25 Q Were you under the influence of

1 drugs at that time?

2 A Yes.

3 Q You made your way home. Then what
4 did you do?

5 A I smoked a couple of joints and
6 went to sleep.

7 Q What time did you wake up Sunday?

8 A About five o'clock that afternoon
9 for a couple of hours, and then I went back
10 to sleep.

11 Q When you woke up at 5:00, what did
12 you do? .

13 A Got high.

14 Q You got high?

15 A Yes.

16 Q What kind of drug did you use?

17 A Marijuana.

18 Q How much marijuana did you smoke
19 at five o'clock?

20 A Just a joint.

21 Q Did you have anything to eat?

22 A I may have drank something, ate
23 some chips or something. I don't recall.

24 Q Was anybody at the house with you
25 at that time?

1 A Christine, I think, was there
2 earlier. She may have been gone when I woke
3 up.

4 Q Did her kids live in the house as
5 well?

6 A Yes. But I didn't do drugs in the
7 house. I always went outside.

8 Q So you got up, smoked another
9 joint, maybe had a little bit to eat, and
10 then you went back to sleep?

11 A Yes.

12 Q And when did you get back up?

13 A About 10:30 the next morning.

14 Q So this is Monday morning?

15 A Yes.

16 Q When you got up at 10:30 Monday
17 morning, September 17, 2007, what did you
18 do?

19 A Called Elizabeth.

20 Q Did you get anything to eat?

21 A Yes.

22 Q What did you eat?

23 A I don't remember.

24 Q Okay. So it's 10:30 in the
25 morning. You called Elizabeth. You knew

1 Elizabeth from working at Harley's Pub?

2 A Yes.

3 Q What was the purpose for calling
4 her?

5 A To see what she was doing.

6 Q What did she say?

7 A Nothing, sitting at home.

8 Q She was sitting at home. Where
9 did she live?

10 A East Texas.

11 Q So what arrangements were made?

12 A She asked me what I was doing, and
13 I told her, nothing, just getting up and was
14 thinking about coming over. She said that
15 would be fine, so I went over there.

16 Q You went over to east Texas?

17 A Uh-huh.

18 Q That's a yes?

19 A Yes.

20 Q How did you get to east Texas?

21 A Drove a motorcycle.

22 Q Your Honda?

23 A Uh-huh. Yes, sir.

24 Q How did you know where she lived?

25 A Been out there before.

1 Q How many times had you been out
2 there?

3 A I don't know, a couple.

4 Q Were you dating Elizabeth at that
5 time?

6 A I was seeing her. I wasn't dating
7 her.

8 Q How many times had you seen her
9 before the date of the accident?

10 A Well, I seen her every time I
11 worked, but we had just kind of started
12 talking about a month prior.

13 Q You said you had been out to her
14 house a couple of times?

15 A She hadn't been at my house. I
16 had been to her house.

17 Q That's what I said. You had been
18 to her house a couple of times?

19 A Oh. Yes.

20 Q Did she live with anybody?

21 A Mr. Pat Baird.

22 Q Is that her dad?

23 A No, it's not her dad.

24 Q So it was your understanding that
25 she actually lived in Mr. Baird's house?
..

1 A Yes.

2 Q When -- what time did you get out
3 to Mr. Baird's house?

4 A Around noon maybe.

5 Q And when you got to Mr. Baird's
6 house, what did you do at that point?

7 A Went in, sat down, chitchatted
8 with her a little while and drank a beer.

9 Q You had a beer in the house?

10 A Yes.

11 Q Did you bring beer with you?

12 A No.

13 Q Did you take any drugs after you
14 got up at 10:30?

15 A No.

16 Q Did you have any marijuana with
17 you?

18 A No.

19 Q So you got out to the house; and
20 you're there about noon; and you had a beer
21 while you were in the house. Did you have
22 more than one beer before you left the
23 house?

24 A Before I left her house?

25 Q Yes.
.

1 A Yes.

2 Q How many beers did you have at the
3 house?

4 A About three or four.

5 Q What size beer?

6 A Twelve-ounce bottle. I don't even
7 remember the name of the beer. I didn't
8 drink many of them because I didn't like it.
9 Like I said, I drank three or four.

10 Q Did you have any mixed drinks?

11 A No.

12 Q Was Elizabeth drinking at this
13 time?

14 A I think she may have drank a
15 couple.

16 Q How long were you at the house?

17 A Up until I had the accident.

18 Q When --

19 A A few hours.

20 Q The accident occurred a couple
21 hours later?

22 A Yes.

23 Q Did you have anything to eat at
24 the house?

25 A No, sir.

1 before the accident?

2 A I never left.

3 Q You never left the house?

4 A We left on the Rhino and went
5 riding.

6 Q Did you see the Rhino outside? I
7 mean, how did you come to leave the house
8 and get in the Rhino?

9 A Yeah. We -- I suggested to go for
10 a ride to look at the rest of his property
11 because he's got a beautiful place.

12 Q Okay. Who suggested to go for a
13 ride?

14 A I -- me -- me or Elizabeth. I'm
15 not -- I don't remember.

16 Q When you went outside to use the
17 Rhino, who decided to drive?

18 A I think she drove first for a
19 little while.

20 Q What parts of the property did she
21 show you?

22 A I can't be specific. Just behind
23 the house.

24 Q What type of terrain were you on?

25 A Just grass, dirt, trails.

1 production site where the accident occurred
2 on that roadway that's depicted in
3 Exhibit 6?

4 A Yes.

5 Q What type of roadway is that?

6 A Gravel road.

7 Q Was it gravel road at the time of
8 the accident?

9 A Yes, very flat.

10 Q Did you see any instructions in
11 the owner's manual regarding not operating a
12 Rhino on even gravel road?

13 A No.

14 Q All right. So you're approaching
15 the oil production site. Did you have to
16 turn to the right to get into the area where
17 the accident occurred?

18 A Yes.

19 Q Okay. Had you been through that
20 area earlier in the day on the Rhino?

21 A No, sir.

22 Q Had you ever been through this
23 area before?

24 A No, sir.

25 Q Was this terrain where the

1 during the turn?

2 A No.

3 Q Once you accelerated up to five to
4 eight miles an hour, you didn't apply any
5 additional acceleration during the event,
6 the rollover event?

7 A No.

8 Q Did you see any obstacles that
9 were in the way of the Rhino?

10 A No.

11 Q Did you look before you made your
12 turn?

13 A Yes.

14 Q Is it your testimony that there
15 were no obstacles in the roadway --

16 A No.

17 Q -- or in the oil pad?

18 A No.

19 Q As it started to tip over,
20 describe for me what was happening at that
21 point.

22 A I don't know if there's a
23 description to describe it. All I know is
24 it -- when I turned, it flipped over. It
25 happened so fast. It just...